

REMARKS

1. Restriction Requirement

In the Office Action, the Examiner has restricted the claims of the subject application into the following two invention Groups:

- I. Claims 102-143, 157-189, and 193-200, drawn to a grain fiber or food containing same; and
- II. Claims 144-156 and 190-192, drawn to a method of preparing said grain fiber.

Applicant herein elect Group I including claims 102-143, 157-189, and 193-200 corresponding to a grain fiber or food product for further examination in the subject application, without traverse and without prejudice or disclaimer. Applicant notes that claim 156 of Group II is also a composition claim and should be included in Group I. Applicant requests that claim 156 be included in elected Group I. The claims of Group II, including claims 144-155 and 190-192 have been canceled.

Applicant has amended claim 156 and 190 in the present response. Claims 156 and 190, directed to a grain fiber, depended from non-elected claims from Group II. As amended, claims 156 and 190 no longer depend from the canceled claim Group.


2. Election of Species

The Examiner asserts that if Group I is elected, Applicant is required under 35 U.S.C. § 121 to elect a disclosed species for prosecution on the merits. Applicant believes that the listing of the species for election is reversed and that the listing on the top of Office Action page 3 corresponds to the species of Group II and not of Group I as indicated. Similarly, the listing of species groups one and two (Office

Action pages 3-4) should correspond to the Group I claims. Applicant therefore elects Soya Fiber Particulate as species group one and Beverage as species group two for elected Group I. Claims 102-143, 156-174 are readable on species group one: Soya Fiber particulate. Claims 126-128, 130-143, 157-159, 161-174, 183-189, and 194-200 are readable on species group two: Beverage. Should Applicant's interpretation be incorrect, the Examiner is requested to contact the Applicant's representative at the number below to clarify the election of species.

Applicant has made a diligent effort to fully respond to the restriction requirement presented by the Examiner. Examination of the subject application's elected claims and issuance of a Notice of Allowance at an early date are earnestly solicited. If the Examiner has any concerns regarding Applicant's present response, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below so that those concerns may be expeditiously addressed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Joseph L. Kent', written over a horizontal line.

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